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DEPARTMENT FOR U/S BURNS, NEA FO, AND L
OSD FOR ASD LONG AND PDASD COULTER
MANAMA FOR VADM COSGRIFF

E.O. 12958: DECL: 06/18/2018

TAGS: [PARM](#) [PREL](#) [MOPS](#) [EG](#)

SUBJECT: GLOBAL PATRIOT: REPORT SUMMARY DELIVERED; NEXT
STEPS ON PUBLIC ENGAGEMENT, COMPENSATION

REF: A. CAIRO 1118 B. CAIRO 1079 C. CAIRO 1029

Classified By: Ambassador Margaret Scobey for reason 1.4 (b).

11. (U) This is an action request; please see para 9.

12. (C) Summary: On June 17, U.S. Fifth Fleet and NAVCENT Commander VADM Kevin J. Cosgriff presented a letter describing the U.S. Fifth Fleet investigation's findings and a summary of the investigative report to Assistant Minister of Defense for Policy MG Mohammed Al-Assar. VADM Cosgriff accepted U.S. Navy and Fifth Fleet responsibility for Mohammed Affifi's death March 24. Cosgriff stated that the Global Patriot's early arrival at Port Suez led to the tragedy, and said the U.S. Fifth Fleet will take action to prevent a recurrence. He said that the U.S. Navy wants to provide compensation for the victim's family. The Ambassador noted PDASD Coulter's upcoming visit to engage on compensation. MG Al-Assar requested a U.S. public statement accepting responsibility and apologizing for the incident. We are requesting Department clearance on the Ambassador's draft letter to the FM (para 9). Post does not believe the 1981 bilateral agreement covers damages in this incident, as it pertains to acts committed by security assistance personnel in Egypt. A high-ranking MOD official indicated to us June 18 that one million Egyptian pounds (\$187,000) would be the minimal acceptable compensation figure. Other prominent contacts have also separately advised us that one million pounds would be the appropriate level of compensation. End summary.

Report Summary Delivered

13. (C) VADM Cosgriff told MG Al-Assar June 17 that the U.S. Navy, the 5th Fleet and he as Fleet Commander "accept complete responsibility for the tragic death," and that the U.S. will take steps to ensure that such an incident does not happen again. The Admiral highlighted that the U.S. investigation determined that a shot from the Global Patriot killed Mr. Affifi, and that the U.S. is taking action to review procedures to prevent a recurrence. He said the U.S. wants to provide compensation for Mr. Affifi's widow and children. VADM Cosgriff reviewed the timeline of events, underscoring that the failure to direct the Global Patriot not to arrive at its destination ahead of schedule led to the tragedy. Cosgriff thanked MG Al-Assar for allowing the U.S. team to view the vendor boat as part of our investigation, and for general GOE transparency.

14. (C) MG Al-Assar noted that the GOE views the Global Patriot issue in the context of the bilateral strategic partnership, and said Defense Minister Field Marshal Tantawi is personally committed to ensuring the security of all U.S. ships passing through the canal. Al-Assar told Cosgriff and the Ambassador that "all 78 million Egyptians" are waiting for the results of the U.S. investigation. Al-Assar asserted that the incident has harmed the U.S. public image in Egypt, and recommended that the U.S. take steps to remedy the fallout. Al-Assar repeated several times that the incident was a violation of Egyptian sovereignty, and stated that the GOE cannot accept any rules of engagement that allow for a U.S. ship to kill an innocent Egyptian. He said that Egypt is committed to international law, and for this reason did not detain the U.S. crew.

15. (C) Al-Assar noted the GOE is hoping for a U.S. public statement apologizing to the Egyptian people, saying that the U.S. investigation determined the U.S. was at fault and that those responsible for the shooting have been punished. The Ambassador stated that she is working on a letter to the Minister of Foreign Affairs that we hope will address Egyptian concerns. The GOE wants to move forward to coordinate with the U.S. on all public statements. Al-Assar requested to review the Ambassador's letter to the Foreign Minister before it is sent. He said that the MOD wants to form a bilateral committee or working group to coordinate with the U.S. on clarifying security procedures for U.S. ships transiting the canal.

16. (C) Al-Assar stated that the GOE is confident the U.S. will compensate the victim's family. He said the GOE would discuss compensation after the Ambassador sends her letter to the Foreign Minister. He said the GOE would hear a U.S. offer for compensation before providing comment. Al-Assar said that the GOE believes U.S. compensation should not merely be to the family, but should also be a gesture to the Egyptian people. The U.S. needs to convince the Egyptian public of its honorable and generous intentions in this matter, Al-Assar commented.

17. (C) The Ambassador thanked MG Al-Assar for providing security for U.S. ships transiting the canal, and said she understands the need to keep the public statements coordinated. She said that the U.S. wants to see all issues, including compensation, resolved before a letter is sent. She also said we are looking into the possibility of a USAID project in Suez, possibly a school. She said PDASD Coulter plans to visit to engage on compensation discussions.

18. (C) VADM Cosgriff affirmed that the U.S. would work with the GOE to reconfirm our understandings on canal transit. He said that the Fifth Fleet had publicly accepted responsibility for the incident soon after it occurred. The Admiral said the issue of accountability was addressed as part of the investigation, but the U.S. Navy determined that the Global Patriot security team operated according to the rules of engagement. He noted that the U.S. needs to be able to defend its ships.

Ambassador's Proposed Letter to the Foreign Minister

19. (SBU) Action request: The following is a draft text of the Ambassador's proposed letter to the Foreign Minister that we believe would satisfy most Egyptian concerns. We anticipate that the MFA will provide the letter to the Egyptian press. We request Department clearance on the letter.

Begin letter text:

Your Excellency:

On behalf of the United States of America, I convey to you and to the people of Egypt our deepest regret and most sincere apology for the tragic incident of March 24, during

which an Egyptian citizen, Mr. Mohammed Fouad Affifi, was accidentally killed by a warning shot fired by a U.S. Navy Embarked Security Team aboard the MV Global Patriot, while it was en route to an anchorage in Egyptian waters near the entrance to the Suez Canal.

In coordination with your Ministry of Defense, the United States conducted a full investigation of the incident, the results of which have been conveyed to your government. The United States accepts responsibility for the tragic death of Mr. Affifi. The investigation established that the MV Global Patriot arrived eight hours in advance of its scheduled transit time, contrary to the existing U.S.-Egyptian agreement regarding the proper arrival procedures for U.S. ships transiting the canal. This created the conditions for the tragic incident. The Commander of the U.S. Navy's Fifth Fleet has already taken measures to assure that this cannot happen again. The United States also believes that a renewed dialogue with your representatives to clarify all transit procedures would be of great value.

The Suez Canal remains a safe, secure, and desirable transit route for world shipping due to Egyptian management and the superb protection afforded by the Armed Forces of Egypt. The United States deeply appreciates the security afforded U.S. Navy ships by the government of Egypt.

Excellency, I am fully aware that this incident has brought terrible suffering to Mr. Affifi's family. We send our condolences to them. The United States has authorized a compensatory payment to his heirs that reflects the seriousness of this incident and our responsibility for it.

In addition, if your government agrees, the United States proposes to build a school in Mr. Affifi's hometown that will reflect our understanding that his community has also suffered a loss.

I appreciate the cooperation and patience of the government of Egypt as we have sought to assure a full investigation.

Sincerely,

Margaret Scobey
Ambassador

End letter text.

Compensation

¶10. (C) In advance of PDASD Coulter's planned June 26 visit, and given that there appear to be conflicting interpretations, we want to affirm post's understanding that the 1981 U.S.-Egypt Agreement on Privileges and Immunities does not cover the Global Patriot incident. This agreement only/only covers individuals (or actions related to) who are in Egypt as part of the security assistance relationship under the supervision of the Office of Military Cooperation of the U.S. Embassy who are "responsible for administration of the Military Assistance Program in Egypt" and "other U.S. military and civilian personnel...who may visit the Arab Republic of Egypt from time to time at the invitation of the Government of the Arab Republic of Egypt."

¶11. (C) Although we have not initiated discussions with GOE officials, the issue of compensation is on several people's minds, and we have heard the following comments. On June 18, a high-ranking MOD official indicated that the MOD regards one million Egyptian pounds (\$187,000) compensation as the minimal acceptable payment to the deceased's family. On June 11, one of Egypt's most prominent domestic political analysts gave us unsolicited advice, speaking "as a friend of America (that) the compensation has to be no less than one million Egyptian pounds. Overall, one million Egyptian pounds or more would be widely perceived as sufficient, fair, and a demonstration that your democratic state has done the right

thing. You will be crucified in the press if it is less than that. Really, please understand that I am trying to stress to you how important this is for your image here -- you will be roundly condemned if you do not get this one right."

¶12. (C) On June 15, a high-ranking reformist judge on Egypt's Court of Cassation told us in unsolicited comments, "As a judge, I can tell you that if this had been an Egyptian killed by an Egyptian, 100,000 Egyptian pounds (\$18,700) would be the appropriate compensation. However, the equation changes dramatically because of the U.S. being broadly perceived as having been the perpetrator. This is a hugely important public diplomacy issue for you. The compensation needs to be at least one million Egyptian pounds -- that is a number that sounds fair to the Egyptian ear, and clearly demonstrates U.S. respect for life, and the just approach of a democratic state in dealing with this issue. You spend so much more money on other programs, but a small thing like this will have far more of an impact in terms of Egyptian views of the U.S., and easing or complicating your relationships and interests here. It is well worth the money." These recommendations follow prominent lawyer Mohammed Kamel's urging us to pay the same one million pound amount (ref A).

¶13. (U) NAVCENT cleared this message.

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